

Restriction Requirement

The Examiner is requiring restriction under 35 U.S.C. §121 to one of the following inventions:

I. Claims 1-3, 17-20, drawn to a lateral flow enzyme immunoassay device comprising a sample pad comprising a slow lane and a fast lane, classified in class 435, subclass 7.1.;

II. Claims 4, 25, drawn to a disk comprising an inner and outer hydrophilic zones, classified in class 436, subclass 518; and

III. Claims 5-16, 21-24, drawn to a device comprising a sample pad, a label pad and a capture zone, classified in class 436, subclass 518.

Applicant expressly reserves the right under 35 U.S.C. §121 to file a divisional application directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application.

REMARKS

Claims 5-16, 21-24, and 26-32 are pending.

Applicants previously submitted a preliminary amendment dated January 22, 2004. This preliminary amendment canceled claims 1-4, 17-20 and 25, amended claims 11 and 21, and added new claims 26-32. It appears that the preliminary amendment was not considered when the Examiner issued the Restriction Requirement, mailed October 6, 2006. Applicants note that upon entry of the preliminary amendment claims 5-16, 21-24 and new claims 26-32 are pending. Applicants hereby elect to prosecute Group III, Claims 5-16 and 21-24, without traverse. Additionally, applicants respectfully request an indication from the Examiner as to whether claims 26-32 will likewise be examined or fall outside the scope of Group III.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (858) 720-5195.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing (273102008401). However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 6, 2006

Respectfully submitted,

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